

Michael W. Chen, Esquire  
Nevada Bar No. 7307  
THE COOPER CASTLE LAW FIRM  
A Multi-Jurisdictional Law Firm  
820 South Valley View Blvd.  
Las Vegas, NV 89107  
(702) 435-4175/(702) 435 4181 (facsimile)  
Loan No. \*\*\*\*\*4414/ Our File No. 10-06-7221-NV

Attorney for Secured Creditor  
Chase Home Finance, LLC

**ECF FILED ON:**

**JAN 07 2011**

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA

In re:

KEVIN G. SMITH

Debtor(s)

CHAPTER 11

BANKRUPTCY NO.: 10-20270-MKN

DATE:

TIME:

**STIPULATION FOR ADEQUATE PROTECTION AND TERMINATION OF  
AUTOMATIC STAY UPON NON-PAYMENT**

THIS MATTER HAVING been negotiated in good faith as between the parties, Michael W. Chen, Esq. of THE COOPER CASTLE LAW FIRM attorneys of record for Secured Creditor, having appeared and Kevin G. Smith appearing through David A Riggi, Esq.,

IT IS STIPULATED, AGREED TO, and ORDERED that DEBTOR(S) shall maintain regular monthly post-petition payments on Secured Creditor's First Trust Deed obligation, encumbering the subject Property, generally described as 934 Cantabria Heights, Las Vegas, NV 89106 ("Property" herein) and legally described as follows:

BEING MORE PARTICULARLY DESCRIBED BY A LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART THEREOF. BEING THE SAME PREMISES CONVEYED TO THE TRUSTORS HEREIN BY DEED BEING RECORDED SIMULTANEOUSLY HERewith; THIS BEING A DEED OF TRUST GIVEN TO SECURE THE PURCHASE PRICE OF THE ABOVE DESCRIBED PREMISES.

in a timely fashion, commencing with the January 1, 2011 payment (currently \$702.53/mo, but subject to adjustment under the terms of the promissory note), and continuing thereafter on the first day of each month until the earlier of confirmation of the Chapter 11 Plan of Reorganization or

1 dismissal of the case. Payments are due on the 1st day of each month. Said payments shall be made  
2 directly to Chase Home Finance, LLC, attn: OH4-7119, 3415 Vision Drive, Columbus, OH, 43219.

3 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that in the event that the  
4 Debtor fails to comply with the regular monthly payments stipulated/ordered above, Secured  
5 Creditor shall file a Notice of Default to court and will send a copy to Kevin G. Smith at 934  
6 Cantabria Heights, Las Vegas, NV 89106 and to the Debtors counsel David A Riggi, Esq., located  
7 at 5550 Painted Mirage Road #120, Las Vegas, NV 89149, stating that the Debtor shall have fifteen  
8 (15) days to cure. An additional attorney's fee of \$100.00 will be incurred for each notice of default.  
9 In the event that the Debtor fails to timely cure said default of payments after the fifteen (15) day  
10 period has expired, Secured Creditor shall submit an Ex Parte Order Terminating the Automatic  
11 Stay. Upon entry of the Ex Parte Order, the Automatic Stay shall be immediately extinguished for  
12 all purposes as to Secured Creditor Chase Home Finance, LLC, its assignees and/or successors in  
13 interest, may proceed with a foreclosure of and hold a Trustee's Sale on the subject property,  
14 pursuant to applicable state law, and commence any action necessary to obtain complete possession  
15 of the subject Property. Upon disposition of collateral, Secured Creditor will amend or delete its  
16 Proof of Claim and provide Trustee with the notice of same.

17 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that in the event case  
18 converts to a Chapter 7 proceeding the Secured Creditor will issue the same written notice as stated  
19 above for the total arrears to include pre-confirmation debt (if any should remain) that would have  
20 been paid through the former Chapter 11 Plan which Debtor will be given the same fifteen (15) day  
21 period to cure. In the event Debtor fails to cure said arrears after the fifteen (15) day period has  
22 expired, Secured Creditor shall submit an Ex Parte Order Terminating the Automatic Stay. Upon  
23 entry of the Ex Parte Order, the Automatic Stay shall be immediately extinguished for all purposes  
24 as to the Secured Creditor Chase Home Finance, LLC, its assignees and/or successors in interest,  
25 may proceed with a foreclosure of and hold a Trustee's Sale on the subject property, pursuant to  
applicable state law, and commence any action necessary to obtain complete possession of the

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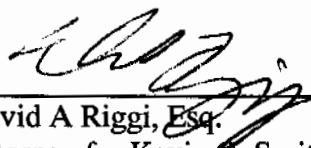
1 subject property.

2  
3 Submitted by:

4 THE COOPER CASTLE LAW FIRM  
A Multi-Jurisdictional Law Firm

5 By: /s/ Michael W. Chen Date: \_\_\_\_\_  
6 Michael W. Chen, Esq.  
7 Attorney for Secured Creditor  
Chase Home Finance, LLC

8 APPROVED/DISAPPROVED

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10 By:  Date: 1/5/10  
11 David A Riggi, Esq.  
12 Attorney for Kevin G. Smith  
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**LENDER INFORMATION SHEET**

**CURRENT OWNER:** RICHMOND AMERICAN HOMES OF NEVADA INC., A COLORADO CORPORATION

**PROPERTY ADDRESS:** 934 CANTABRIA HEIGHTS AVENUE

**LEGAL DESCRIPTION:**

**PARCEL I:**

LOT TWO HUNDRED SEVEN (207) IN BLOCK FOUR (4) OF CACTUS/MARYLAND - THE SEASONS - UNIT 1 AS SHOWN BY MAP THEREOF ON FILE IN BOOK 103 OF PLATS, PAGE 26 IN THE OFFICE OF THE COUNTY RECORDER, CLARK COUNTY, NEVADA.

RESERVING THEREFROM THE PRIVATE EASEMENTS AS DELINEATED ON THE PLAT OF THE CACTUS/MARYLAND - THE SEASONS - UNIT 1.

**PARCEL II:**

AN EASEMENT FOR INGRESS AND EGRESS OVER THE PRIVATE STREETS, COMMON ELEMENTS AND PRIVATE EASEMENTS AS DELINEATED ON THE PLAT OF THE CACTUS/MARYLAND - THE SEASONS - UNIT 1.

**ASSESSORS PARCEL NUMBER:** 177-34-510-077

**TAX RATE:** 2.8990

**NOTE:**

TAXES FOR THE FISCAL YEAR JULY 1, 2001 TO JUNE 30, 2002, INCLUDING ANY SECURED PERSONAL PROPERTY TAXES COLLECTED THEREWITH.

APN (635) 177-34-501-014 TOTAL TAX: \$13,873.74 (PAID)

(WITH OTHER LAND)

**NOTE:**

TAXES FOR THE FISCAL YEAR JULY 1, 2001 TO JUNE 30, 2002, INCLUDING ANY SECURED PERSONAL PROPERTY TAXES COLLECTED THEREWITH.

APN (635) 177-34-501-013 TOTAL TAX: \$13,885.63 (PAID)

(WITH OTHER LAND)

